

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

| | | |
|----------------------------------|---|--------------------|
| EDWARD DANE JEFFUS, |) | |
| |) | |
| Petitioner, |) | |
| |) | 1:11CV326 |
| v. |) | 6:92CR184-2 |
| |) | |
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Respondent. |) | |

ORDER

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on June 2, 2011, was served on the parties in this action. Petitioner objected to the Recommendation.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's recommendation.

IT IS THEREFORE ORDERED that Petitioner's "Motion for Relief from Judgment and Specific Performance/Enforcement of Plea Agreement and/or Independent Action in Equity" [Docket No. 206] and "Complaint for

Independent Action in Equity” [Docket No. 218] are construed partially as motions under § 2255 and partially as motions under Fed. R. Civ. P. 60 and/or independent actions and that the § 2255 portions of the motions are dismissed for failure to obtain certification for this § 2255 application by filing a Motion for Authorization in the court of appeals as required by 28 U.S.C. §§ 2255 and Fourth Circuit Local Rule 22(d), and that the other portions of the motions/independent actions are **DENIED**. **IT IS FURTHER ORDERED** that Petitioner’s “Motion for Summary Judgment” [Docket No. 210] and “Motion for a Ruling on Motion to Suppress and/or Review on the Issue Preserved” [Docket No. 214] are **DENIED**. Finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued. A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 6th day of March, 2012

/s/ N. Carlton Tilley, Jr.
Senior United States District Judge